

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1011

Introduced by Assembly Member Jones

February 27, 2009

An act to add Section 12964 to the Insurance Code, relating to the Insurance Commissioner 130206 to the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1011, as amended, Jones. ~~Insurance commissioner: reports. Office of Health Information Integrity: report.~~

Existing federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), extends health coverage benefits to workers after they terminate coverage plans. Existing state law, to become inoperative on July 1, 2010, establishes the Office of HIPAA Implementation to, among other things, assume statewide leadership, coordination, direction, and oversight responsibilities for determining which provisions of state law concerning medical information are preempted by HIPAA.

Existing law establishes the Office of Health Information Integrity within the California Health and Human Services Agency to ensure the enforcement of state law mandating confidentiality of medical information and to impose administrative fines for the unauthorized use of medical information.

This bill would require the Office of Health Information Integrity, by April 1, 2010, to report to the Legislature on the impact of federal changes related to health care technology and the privacy of health and medical information, including recommendations for statutory changes.

~~Existing law requires the Insurance Commissioner to annually report to the Governor and Legislature on various subjects related to the business of insurance, as specified.~~

~~This bill would require the commissioner to, in addition, annually submit to the Governor and the Legislature an analysis of the accessibility of insurance coverage in each county.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 130206 is added to the Health and Safety
2 Code, to read:
3 130206. By April 1, 2010, the Office of Health Information
4 Integrity shall report to the appropriate policy and fiscal
5 committees of the Legislature on the impact of federal changes
6 related to health care technology and the privacy of health and
7 medical information. The office shall evaluate and make
8 recommendations for statutory changes to ensure that California's
9 medical privacy laws are minimally compliant with or exceed
10 federal privacy laws, including, but not limited to, compliance
11 with changes to the federal Health Insurance Portability and
12 Accountability Act of 1996 (42 U.S.C. Sec. 300gg) enacted through
13 the federal American Recovery and Reinvestment Act of 2009
14 (Public Law 111-5), and that California law is updated to reflect
15 and promote the development and expansion of health information
16 technology while safeguarding confidential medical information.
17 SECTION 1. ~~Section 12964 is added to the Insurance Code,~~
18 ~~to read:~~
19 ~~12964. The commissioner shall annually submit to the~~
20 ~~Governor and the Legislature an analysis of the accessibility of~~
21 ~~insurance coverage in each county.~~